

AMENDED IN ASSEMBLY AUGUST 16, 1999

AMENDED IN ASSEMBLY JULY 8, 1999

AMENDED IN SENATE APRIL 5, 1999

**SENATE BILL**

**No. 600**

**Introduced by Senator Costa**

February 23, 1999

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An act to amend Sections ~~1141.18~~ 116.760, 631.3, 1141.18, and 1141.28 of the Code of Civil Procedure, to amend Sections ~~68085~~, of Civil Procedure, to amend Section 7895 of the Family Code, to amend Sections 68085, 70141, 72055, 77009, 77201.1, 77212, and 77654 of, and to add Section 811.9 to, the Government Code, to amend Section 1037 of the Penal Code, and to amend Section 100 of, to amend and repeal Section 326 of, and to add Section 326.5 to, the Welfare and Institutions Code, relating to ~~trial court funding~~ courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 600, as amended, Costa. Trial court funding.

(1) Existing law requires a party that appeals a judgment in small claims court to pay the same superior court filing fee that is required for an appeal of a limited civil case.

This bill would require payment of the same fees required for an appeal of a limited civil case.

(2) Existing law prohibits a refund of jury fees deposited with a judge or clerk when a case is settled or a continuance is granted on a motion by the depositing party if the court makes a finding regarding insufficient notice to the jurors.

*This bill would extend the applicability of this prohibition to also apply where the depositing party waives a jury if the court makes a finding regarding insufficient notice to jurors. The bill would also require jury fees deposited in advance of trial prior to January 1, 1999, and which remain on deposit in specified cases, to be transmitted to the Controller for deposit in the Trial Court Trust Fund.*

(3) Existing law provides that the county may increase the compensation for arbitrators in that county.

This bill would provide instead that the Judicial Council may increase the compensation for arbitrators in a county.

~~(2)~~

(4) Existing law provides for the county to pay for the costs of arbitration, except as specified.

This bill would require the court to pay for the costs of arbitration, except as specified.

~~(3)~~

(5) *Existing law requires the state to pay for the preparation and transmittal of the reporter's and clerk's transcripts upon an appeal from a judgment freeing a child who is a dependent of the juvenile court from parental custody and control. Existing law authorizes the state to seek reimbursement from the appellant for the cost of the transcripts, as specified.*

*This bill would delete the requirement that the state pay the above-described costs and would authorize the court to seek reimbursement from the appellant.*

(6) Existing law provides for the liability of public entities and public employees.

*This bill would provide that judges, subordinate judicial officers, and court administrators and executive officers of the superior and municipal courts are state officers for purposes of specified provisions of existing law regarding claims and actions against public entities and public employees. It also would make a related statement of legislative intent.*

(7) Existing law requires the Judicial Council to report to the Legislature on alternative procedures that would improve the collection and remittance of revenues to the Trial Court Trust Fund no later than February 1, 1999.

This bill would extend that date to February 1, 2000.

~~(4)~~

*(8) Existing law prohibits child support commissioners appointed by the superior court from being deemed a court operation for purposes of state funding of the courts.*

*This bill would delete this provision.*

(9) Existing law requires each county to establish a Trial Court Operations Fund in the county treasury, as specified.

This bill would require all funds received by a trial court for operating and program purposes to be deposited in the trial court operations fund; and would require funds received for funding child support commissioners and family law facilitators, and specified funds received for purposes other than court operations, to be placed in special accounts in that fund, as specified.

~~(5)~~

(10) Existing law specifies various amounts, and contingent revisions to those amounts, which certain counties are required to remit to the state for purposes of trial court funding beginning on July 1, 1999; and provides for the continuation of services provided to courts by counties or cities and counties.

~~(6)~~

(11) Existing law provides that a county shall be responsible for providing necessary facilities for judicial officers and support staff for judicial positions created prior to July 1, 1996, during the period from July 1, 1997, to June 30, 2001; and that a county shall be responsible for necessary facilities for judicial officers and support staff for judgeships authorized by statutes chaptered in 1996; but that the state shall assume financial responsibility for necessary facilities for judicial officers and support staff for judgeships authorized from January 1, 1998, to June 30, 2001, unless the county and the court agree to the contrary.

This bill would further provide that if the state assumes full responsibility for court facilities after June 30, 2001, a county shall be reimbursed for costs incurred by the county general fund for new court facilities constructed or under construction between January 1, 2000, and the date of the state assumption of responsibility for court facilities; and if the state assumes a shared responsibility for court facilities after June

30, 2001, a county shall be reimbursed for costs incurred by the county general fund for new court facilities constructed or under construction between January 1, 2000, and the date of the state assumption of shared responsibility for court facilities, in the same proportion as the state's responsibility for court facilities after June 30, 2001.

~~(7)~~

(12) Existing law provides that when a court orders a change of venue in a criminal case to another county all costs incurred by that county, which are not payable by the state, as specified, shall be a charge against the county in which the action originated.

This bill would provide, instead, that when a court orders a change of venue to a court in another county all costs incurred by that court or county, which are not payable by the state, as specified, shall be a charge against the court or the county in which the action originated. The bill would further provide that costs that are included in the definition of court operations shall be considered court costs and are a charge against the court in the county in which the action originated; that all other costs shall be considered county costs and are a charge against the county in which the action originated; and that the presiding judge of the court, or his or her designee, shall authorize, and the treasurer shall pay, the amount of court costs out of the Trial Court Operations Fund as directed by the court.

~~(8)~~

(13) Existing law requires the Judicial Council to establish or expand court-appointed special advocate programs pursuant to a request-for-proposal process, upon application by a board of supervisors.

This bill would delete the requirement for application by a board of supervisors.

~~(9)~~

*(14) Existing law requires, for purposes of federal Child Abuse Prevention and Treatment Act grants, the probation officer or social worker who files a petition where there is alleged neglect or abuse of a minor to be the guardian ad litem to represent the interest of the minor unless the court appoints another.*



*This bill would provide that the above-described requirement would become inoperative on July 1, 2000, and be repealed January 1, 2001, and would require the Judicial Council to adopt a rule effective July 1, 2000, that requires the appointment of a guardian ad litem, who may be an attorney or a court appointed special advocate, for minors in which there is filed a petition with the juvenile court based upon neglect or abuse or in which a prosecution is initiated arising from abuse or neglect of a minor.*

(15) The bill would impose a state-mandated local program by imposing new duties upon courts and the county treasurer.

(10)

(16) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would make a technical, nonsubstantive change in those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. *Section 116.760 of the Code of Civil*  
2 *Procedure is amended to read:*

3 116.760. (a) The appealing party shall pay the same  
4 ~~superior court filing fee fees~~ that ~~is~~ are required for an  
5 appeal of a limited civil case.

6 (b) A party who does not appeal shall not be charged  
7 any fee for filing any document relating to the appeal.

8 SEC. 2. *Section 631.3 of the Code of Civil Procedure*  
9 *is amended to read:*

1 631.3. Notwithstanding any other provision of law,  
2 when a party to the litigation has deposited jury fees with  
3 the judge or clerk and *that party waives a jury or obtains*  
4 *a continuance of the trial, or the case is settled—*~~or a~~  
5 ~~continuance is granted on motion of the party depositing~~  
6 ~~the jury fees~~, none of the deposit shall be refunded if the  
7 court finds there has been insufficient time to notify the  
8 jurors that the trial would not proceed at the time set. If  
9 the jury fees so deposited are not refunded for the reasons  
10 herein specified, or if a refund of jury fees deposited with  
11 the judge or clerk has not been requested, in writing, by  
12 the depositing party within 20 business days from the date  
13 on which the *jury is waived or the* action is settled,  
14 dismissed, or a continuance thereof granted, the fees shall  
15 be transmitted to the Controller for deposit into the Trial  
16 Court Trust Fund. All jury fees and mileage fees that may  
17 accrue by reason of a juror serving on more than one case  
18 in the same day shall be transmitted to the Controller for  
19 deposit into the Trial Court Trust Fund. *All jury fees that*  
20 *were deposited with the court in advance of trial*  
21 *pursuant to Section 631 prior to January 1, 1999, and*  
22 *which remains on deposit in cases that were settled,*  
23 *dismissed, or otherwise disposed of prior to January 1,*  
24 *1998, shall be transmitted to the Controller for deposit*  
25 *into the Trial Court Trust Fund.*

26 SEC. 3. Section 1141.18 of the Code of Civil Procedure  
27 is amended to read:

28 1141.18. (a) Arbitrators shall be retired judges,  
29 retired court commissioners who were licensed to  
30 practice law prior to their appointment as a  
31 commissioner, or members of the State Bar, and shall sit  
32 individually. A judge may also serve as an arbitrator  
33 without compensation. People who are not attorneys may  
34 serve as arbitrators upon the stipulation of all parties.

35 (b) The Judicial Council rules shall provide for the  
36 compensation, if any, of arbitrators, except that no  
37 compensation shall be paid prior to the filing of the award  
38 by the arbitrator, or prior to the settlement of the case by  
39 the parties. Compensation for arbitrators shall, unless  
40 waived in whole or in part, be one hundred fifty dollars

1 (\$150) per case, or one hundred fifty dollars (\$150) per  
2 day, whichever is greater, except that the Judicial Council  
3 may, after consultation with the affected courts in the  
4 county or city and county, set a higher level of  
5 compensation for courts in that county or city and county.

6 .

7 (c) The board of governors of the State Bar shall  
8 provide by rule for the method of selection of arbitrators  
9 after consulting with administrative committees  
10 established pursuant to Rule 1603 of the Judicial  
11 Arbitration Rules for Civil Cases and with county bar  
12 associations in counties where there are no administrative  
13 committees. These rules shall provide for specialized  
14 panels and shall become operative upon approval of the  
15 Judicial Council.

16 (d) Any party may request the disqualification of the  
17 arbitrator selected for his or her case on the grounds and  
18 by the procedures specified in Section 170.1 or 170.6. A  
19 request for disqualification of an arbitrator on grounds  
20 specified in Section 170.6 shall be made within five days  
21 of the naming of the arbitrator. An arbitrator shall  
22 disqualify himself or herself, upon demand of any party  
23 to the arbitration made before the conclusion of the  
24 arbitration proceedings on any of the grounds specified  
25 in Section 170.1.

26 ~~SEC. 2.~~

27 *SEC. 4.* Section 1141.28 of the Code of Civil Procedure  
28 is amended to read:

29 1141.28. (a) All administrative costs of arbitration,  
30 including compensation of arbitrators, shall be paid for by  
31 the court in which the arbitration costs are incurred,  
32 except as otherwise provided in subdivision (b) and in  
33 Section 1141.21.

34 (b) The actual costs of compensation of arbitrators in  
35 any proceeding which would not otherwise be subject to  
36 the provisions of this chapter but in which arbitration is  
37 conducted pursuant to this chapter solely because of the  
38 stipulation of the parties, shall be paid for in equal shares  
39 by the parties. If the imposition of these costs would  
40 create such a substantial economic hardship for any party



1 as not to be in the interest of justice, as determined by the  
2 arbitrator, that party's share of costs shall be paid for by  
3 the court in which the arbitration costs are incurred. The  
4 determination as to substantial economic hardship may  
5 be reviewed by the court.

6 ~~SEC. 3.~~

7 *SEC. 5. Section 7895 of the Family Code is amended*  
8 *to read:*

9 7895. (a) Upon appeal from a judgment freeing a  
10 child who is a dependent child of the juvenile court from  
11 parental custody and control, the appellate court shall  
12 appoint counsel for the appellant as provided by this  
13 section.

14 (b) Upon motion by the appellant and a finding that  
15 the appellant is unable to afford counsel, the appellate  
16 court shall appoint counsel for the indigent appellant, and  
17 appellant's counsel shall be provided a free copy of the  
18 reporter's and clerk's transcript. All of those costs are a  
19 charge against the state.

20 (c) The reporter's and clerk's transcripts shall be  
21 prepared and transmitted immediately after filing of the  
22 notice of appeal, ~~at state expense and~~ without advance  
23 payment of fees. If the appellant is able to afford counsel,  
24 the ~~state court~~ may seek reimbursement from the  
25 appellant for the cost of the transcripts under subdivision  
26 (c) of Section 68511.3 of the Government Code as though  
27 the appellant had been granted permission to proceed in  
28 forma pauperis.

29 *SEC. 6. Section 811.9 is added to the Government*  
30 *Code, to read:*

31 811.9. (a) *Notwithstanding any other provision of*  
32 *law, judges, subordinate judicial officers, and court*  
33 *administrators and executive officers of the superior and*  
34 *municipal courts are state officers for purposes of Sections*  
35 *810 to 996.6, inclusive.*

36 (b) *The terms "court administrator" and "executive*  
37 *officer" refer solely to the senior administrator or*  
38 *executive officer of the court. Nothing in this section shall*  
39 *be construed to apply to other trial court employees, nor*  
40 *to otherwise affect the status of trial court employees.*



(c) To promote the cost-effective, prompt, and fair resolution of actions, proceedings, and claims affecting the trial courts, the Judicial Council shall adopt rules of court requiring the Administrative Office of the Courts to manage actions, proceedings, and claims that affect the trial courts and involve superior or municipal courts, superior or municipal court judges, superior or municipal court subordinate judicial officers, or superior or municipal court administrators or executive officers in consultation with the affected courts and individuals. The Administrative Office of the Courts' management of these actions, proceedings, and claims shall include, but not be limited to, case management and administrative responsibilities such as selecting counsel and making strategic and settlement decisions.

SEC. 7. Section 68085 of the Government Code is amended to read:

68085. (a) (1) There is hereby established the Trial Court Trust Fund, the proceeds of which shall be apportioned at least quarterly for the purpose of funding trial court operations, as defined in Section 77003. In no event shall apportionment payments exceed 30 percent of the total annual apportionment to the Trial Court Trust Fund for state trial court funding in any 90-day period.

(2) The apportionment payments shall be made by the Controller. For fiscal year 1997–98, the Controller shall make the first apportionment payment within 10 days of the operative date of this section. The final payment from the Trial Court Trust Fund for each fiscal year shall be made on or before August 31 of the subsequent fiscal year.

(3) If apportionment payments are made on a quarterly basis, the payments shall be on July 15, October 15, January 15, and April 15. In addition to quarterly payments, a final payment from the Trial Court Trust Fund for each fiscal year may be made on or before August 31 of the subsequent fiscal year.

(b) Notwithstanding any other provision of law, the fees listed in subdivision (c) shall all be deposited upon collection in a special account in the county treasury, and

1 transmitted herefrom monthly to the Controller for  
2 deposit in the Trial Court Trust Fund.

3 (c) (1) Except as specified in subdivision (d), this  
4 section applies to all fees collected pursuant to Sections  
5 631.3 and 116.230 of the Code of Civil Procedure and  
6 Sections 26820.4, 26823, 26826, 26826.01, 26827, 26827.4,  
7 26830, 26832.1, 26833.1, 26835.1, 26836.1, 26837.1, 26838,  
8 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, 26862, 27081.5,  
9 68086, 72055, 72056, 72056.01, and 72060.

10 (2) If any of the fees provided for in this subdivision  
11 are partially waived by court order, and the fee is to be  
12 divided between the Trial Court Trust Fund and any  
13 other fund, the amount of the partial waiver shall be  
14 deducted from the amount to be distributed to each fund  
15 in the same proportion as the amount of each distribution  
16 bears to the total amount of the fee.

17 (3) Any amounts transmitted by a county to the  
18 Controller for deposit into the Trial Court Trust Fund  
19 from fees collected pursuant to Section 27361 between  
20 January 1, 1998, and the effective date of this paragraph  
21 shall be credited against the total amount the county is  
22 required to pay to the state pursuant to paragraph (2) of  
23 subdivision (b) of Section 77201 for the 1997–98 fiscal  
24 year.

25 (d) This section does not apply to that portion of a  
26 filing fee collected pursuant to Section 26820.4, 26826,  
27 26827, 72055, or 72056 which is allocated for dispute  
28 resolution pursuant to Section 470.3 of the Business and  
29 Professions Code, the county law library pursuant to  
30 Section 6320 of the Business and Professions Code, the  
31 Judges' Retirement Fund pursuant to Section 26822.3,  
32 automated recordkeeping or conversion to  
33 micrographics pursuant to Sections 26863 and 68090.7,  
34 and courthouse financing pursuant to Section 76238. This  
35 section also does not apply to fees collected pursuant to  
36 subdivisions (a) and (c) of Section 27361.

37 (e) This section applies to all payments required to be  
38 made to the Trial Court Trust Fund by any county or city  
39 and county pursuant to Section 77201, 77201.1, or 77205.



(f) Notwithstanding any other provision of law, no agency shall take action to change the amounts allocated to any of the above funds.

(g) Before making any apportionments under this section, the Controller shall deduct, from the annual appropriation for that purpose, the actual administrative costs that will be incurred under this section. Costs reimbursed under this section shall be determined on an annual basis in consultation with the Judicial Council.

(h) Any amounts required to be transmitted by a county or city and county to the state pursuant to this section shall be remitted to the Controller no later than 45 days after the end of the month in which the fees were collected. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the Trial Court Trust Fund to which it is to be deposited. Any remittance which is not made by the county or city and county in accordance with this section shall be considered delinquent, and subject to the penalties specified in this section.

(i) Upon receipt of any delinquent payment required pursuant to this section, the Controller shall calculate a penalty on any delinquent payment by multiplying the amount of the delinquent payment at a daily rate equivalent to  $1\frac{1}{2}$  percent per month for the number of days the payment is delinquent. Notwithstanding Section 77009, any penalty on a delinquent payment that a court is required to reimburse to a county's general fund pursuant to this section and Section 24353 shall be paid from the Trial Court Operations Fund for that court.

(j) Penalty amounts calculated pursuant to subdivision (i) shall be paid by the county to the Trial Court Trust Fund no later than 45 days after the end of the month in which the penalty was calculated.

(k) The Trial Court Trust Fund shall be invested in the Surplus Money Investment Fund and all interest earned shall be allocated to the Trial Court Trust Fund semiannually and shall be allocated among the courts in accordance with the requirements of subdivision (a). The specific allocations shall be specified by the Judicial

1 Council, based upon recommendations from the Trial  
2 Court Budget Commission.

3 (I) It is the intent of the Legislature that the revenues  
4 required to be deposited into the Trial Court Trust Fund  
5 be remitted as soon after collection by the courts as  
6 possible. Not later than February 1, 2000, the Judicial  
7 Council, in consultation with the California State  
8 Association of Counties and the California County  
9 Auditors Association, shall study and make  
10 recommendations to the Legislature on alternative  
11 procedures that would improve the collection and  
12 remittance of revenues to the Trial Court Trust Fund.

13 ~~SEC. 4.~~

14 *SEC. 8. Section 70141 of the Government Code is*  
15 *amended to read:*

16 70141. (a) To assist the court in disposing of its  
17 business connected with the administration of justice, the  
18 superior court of any city and county may appoint not  
19 exceeding 10 commissioners, and the superior court of  
20 every county, except a county with a population of  
21 4,000,000 or over, may appoint one commissioner. Each  
22 person so appointed shall be designated as “court  
23 commissioner” of the county.

24 (b) In addition to the court commissioners authorized  
25 by subdivision (a) or any other provision of law, either the  
26 superior court or the municipal court, but not both, of any  
27 county or city and county may appoint one additional  
28 commissioner, at the same rate of compensation as the  
29 other commissioner or commissioners for that court,  
30 upon adoption of a resolution by the board of supervisors  
31 pursuant to subdivision (c).

32 (c) The county or city and county shall be bound by,  
33 and the resolution adopted by the board of supervisors  
34 shall specifically recognize, the following conditions:

35 (1) The county or city and county has sufficient funds  
36 for the support of the position and any staff who will  
37 provide direct support to the position, agrees to assume  
38 any and all additional costs that may result therefrom, and  
39 agrees that no state funds shall be made available, or shall

1 be used, in support of this position or any staff who  
2 provide direct support to this position.

3 (2) The additional commissioner shall not be deemed  
4 a judicial position for purposes of calculating trial court  
5 funding pursuant to Section 77202.

6 (3) The salary for this position and for any staff who  
7 provide direct support to this position shall not be  
8 considered as part of court operations for purposes of  
9 Sections 77003 and 77204.

10 (4) The county or city and county agrees not to seek  
11 funding from the state for payment of the salary, benefits,  
12 or other compensation for such a commissioner or for any  
13 staff who provide direct support to such a commissioner.

14 (d) The court may provide that the additional  
15 commissioner may perform all duties authorized for a  
16 commissioner of that court in the county. In a county or  
17 city and county that has undertaken a consolidation of the  
18 trial courts, the additional commissioner shall be  
19 appointed by the superior or municipal courts pursuant  
20 to the consolidation agreement.

21 (e) In addition to the court commissioners authorized  
22 by subdivisions (a) and (b), the superior court of any  
23 county or city and county shall appoint additional  
24 commissioners pursuant to Sections 4251 and 4252 of the  
25 Family Code. These commissioners shall receive a salary  
26 equal to 85 percent of a superior court judge's salary.  
27 ~~These commissioners shall not be deemed a court~~  
28 ~~operation for purposes of Section 77003.~~

29 *SEC. 9. Section 72055 of the Government Code is*  
30 *amended to read:*

31 72055. The total fee for filing of the first paper in a  
32 limited civil case, shall be ninety dollars (\$90), except that  
33 in cases where the amount demanded, excluding  
34 attorney's fees and costs, is ten thousand dollars (\$10,000)  
35 or less, the fee shall be eighty-three dollars (\$83). The  
36 amount of the demand shall be stated on the first page of  
37 the paper immediately below the caption.

38 This section applies to the initial complaint, petition, or  
39 application, and any papers transmitted from another  
40 court on the transfer of a civil action or proceeding, but

1 does not include documents filed pursuant to Section  
2 491.150, 704.750, or 708.160 of the Code of Civil Procedure.

3 The term “total fee” as used in this section and Section  
4 72056 includes any amount allocated to the Judges’  
5 Retirement Fund pursuant to Section 72056.1, any  
6 automation fee imposed pursuant to Section 68090.7, any  
7 construction fee imposed pursuant to Section 76238, and  
8 the law library fee established pursuant to Article 2  
9 (commencing with Section 6320) of Chapter 5 of Division  
10 3 of the Business and Professions Code. ~~The term “total~~  
11 ~~fee” as used in Section 72056 includes any dispute~~  
12 ~~resolution fee imposed pursuant to Section 470.3 of the~~  
13 ~~Business and Professions Code.~~ The term “total fee” as  
14 used in this section *and Section 72056* also includes any  
15 dispute resolution fee imposed pursuant to Section 470.3  
16 of the Business and Professions Code, but the board of  
17 supervisors of each county may exclude any portion of  
18 this dispute resolution fee from the term “total fee.”

19 The fee shall be waived in any action for damages  
20 against a defendant, based upon the defendant’s  
21 commission of a felony offense, upon presentation to the  
22 clerk of the court of a certified copy of the abstract of  
23 judgment of conviction of the defendant of the felony  
24 giving rise to the claim for damages. If the plaintiff would  
25 have been entitled to recover those fees from the  
26 defendant had they been paid, the court may assess the  
27 amount of the waived fees against the defendant and  
28 order the defendant to pay that sum to the county.

29 *SEC. 10.* Section 77009 of the Government Code is  
30 amended to read:

31 77009. (a) For the purposes of funding trial court  
32 operations, each board of supervisors shall establish in the  
33 county treasury a Trial Court Operations Fund, which  
34 will operate as an agency fund. All funds appropriated in  
35 the Budget Act and allocated and reallocated to each  
36 court in the county by the Judicial Council shall be  
37 deposited into the fund. Accounts shall be established in  
38 the Trial Court Operations Fund for each trial court in  
39 the county, except that one account may be established  
40 for courts which have a unified budget. In a county where

1 court budgets include appropriations for expenditures  
2 administered on a countywide basis, including, but not  
3 limited to, court security, centralized data processing and  
4 planning and research services, an account for each  
5 centralized service shall be established and funded from  
6 those appropriations.

7 (b) The moneys of the Trial Court Operations Fund  
8 arising from deposits of funds appropriated in the Budget  
9 Act and allocated or reallocated to each court in the  
10 county by the Judicial Council shall be payable only for  
11 the purposes set forth in Sections 77003 and 77006.5, and  
12 for services purchased by the court pursuant to  
13 subdivisions (b) and (c) of Section 77212. The presiding  
14 judge of each court in a county, or his or her designee,  
15 shall authorize and direct expenditures from the fund and  
16 the county auditor-controller shall make payments from  
17 the funds as directed. Approval of the board of  
18 supervisors is not required for expenditure from this  
19 fund.

20 (c) All funds received by a trial court from any source  
21 shall be deposited in the trial court operations fund.  
22 Funds that are received to fulfill the requirements of  
23 Article 4 (commencing with Section 4250) of Chapter 2  
24 of Part 2 of Division 9 and Division 14 (commencing with  
25 Section 10000) of the Family Code shall be identified and  
26 maintained in a separate account established in the fund  
27 for this purpose. All other funds that are received for  
28 purposes other than court operations, as defined in  
29 Section 77003 and Rule 810 of the California Rules of  
30 Court, shall be identified and maintained in one or more  
31 separate accounts established in the fund pursuant to  
32 procedures adopted by the Judicial Council. This  
33 subdivision shall only apply to funds received by the  
34 courts for operating and program purposes. This  
35 subdivision shall not apply to funds received by the courts  
36 pursuant to Section 68084, if those funds are not for  
37 operating or program use.

38 (d) Interest received by a county which is attributable  
39 to investment of money required by this section to be  
40 deposited in its Trial Court Operations Fund shall be



1 deposited in the fund and shall be used for trial court  
2 operations purposes.

3 (e) In no event shall interest be charged to the Trial  
4 Court Operations Fund, except as provided in Section  
5 77009.1.

6 (f) Reasonable administrative expenses incurred by  
7 the county associated with the operation of this fund shall  
8 be charged to each court on a pro rata basis in proportion  
9 to the total amount allocated to each court in this fund.

10 (g) A county, or city and county, may bill trial courts  
11 within its jurisdiction for costs for services provided by  
12 the county, or city and county, as described in Sections  
13 77003 and 77212, including indirect costs as described in  
14 paragraph (7) of subdivision (a) of Section 77003 and  
15 Section 77212. The costs billed by the county, or the city  
16 and the county, pursuant to this subdivision shall not  
17 exceed the costs incurred by the county, or the city and  
18 the county, of providing similar services to county  
19 departments or special districts.

20 (h) Pursuant to Section 77206, the Controller, at the  
21 request of the Legislature or the Judicial Council, may  
22 perform financial and fiscal compliance audits of this  
23 fund.

24 (i) The Judicial Council with the concurrence of the  
25 Department of Finance and the Controller's office shall  
26 establish procedures to implement the provisions of this  
27 section and to provide for payment of trial court  
28 operations expenses, as described in Sections 77003 and  
29 77006.5, incurred on July 1, 1997, and thereafter.

30 (j) The Judicial Council shall study alternative  
31 methods for the establishment and management of the  
32 Trial Court Operations Fund as provided in this section,  
33 and shall report its findings and recommendations to the  
34 Legislature not later than November 1, 1998.

35 ~~SEC. 5.~~

36 *SEC. 11.* Section 77201.1 of the Government Code, as  
37 amended by Section 1 of Chapter 1017 of the Statutes of  
38 1998, is amended to read:

39 77201.1. (a) Commencing on July 1, 1997, and each  
40 year thereafter, no county shall be responsible for

1 funding court operations, as defined in Section 77003 and  
2 Rule 810 of the California Rules of Court as it read on July  
3 1, 1996.

4 (b) Commencing in the 1999–2000 fiscal year, and  
5 each fiscal year thereafter, each county shall remit to the  
6 state in four equal installments due on October 1, January  
7 1, April 1, and May 1, the amounts specified in paragraphs  
8 (1) and (2), as follows:

9 (1) Except as otherwise specifically provided in this  
10 section, each county shall remit to the state the amount  
11 listed below which is based on an amount expended by  
12 the respective county for court operations during the  
13 1994–95 fiscal year:

Jurisdiction	Amount
Alameda .....	\$ 22,509,905
Alpine .....	—
Amador .....	—
Butte .....	—
Calaveras .....	—
Colusa .....	—
Contra Costa .....	11,974,535
Del Norte .....	—
El Dorado .....	—
Fresno .....	11,222,780
Glenn .....	—
Humboldt .....	—
Imperial .....	—
Inyo .....	—
Kern .....	9,234,511
Kings .....	—
Lake .....	—
Lassen .....	—
Los Angeles .....	175,330,647
Madera .....	—
Marin .....	—
Mariposa .....	—
Mendocino .....	—
Merced .....	—
Modoc .....	—

1	Mono	—
2	Monterey	4,520,911
3	Napa	—
4	Nevada	—
5	Orange	38,846,003
6	Placer	—
7	Plumas	—
8	Riverside	17,857,241
9	Sacramento	20,733,264
10	San Benito	—
11	San Bernardino	20,227,102
12	San Diego	43,495,932
13	San Francisco	19,295,303
14	San Joaquin	6,543,068
15	San Luis Obispo	—
16	San Mateo	12,181,079
17	Santa Barbara	6,764,792
18	Santa Clara	28,689,450
19	Santa Cruz	—
20	Shasta	—
21	Sierra	—
22	Siskiyou	—
23	Solano	6,242,661
24	Sonoma	6,162,466
25	Stanislaus	3,506,297
26	Sutter	—
27	Tehama	—
28	Trinity	—
29	Tulare	—
30	Tuolumne	—
31	Ventura	9,734,190
32	Yolo	—
33	Yuba	—

34  
 35 (2) Except as otherwise specifically provided in this  
 36 section, each county shall also remit to the state the  
 37 amount listed below which is based on an amount of fine  
 38 and forfeiture revenue remitted to the state pursuant to  
 39 Sections 27361 and 76000 of this code, Sections 1463.001,  
 40 1463.07, and 1464 of the Penal Code, and Sections 42007,

1 42007.1, and 42008 of the Vehicle Code during the 1994–95  
2 fiscal year:

3		
4	Jurisdiction	Amount
5	Alameda .....	\$ 9,912,156
6	Alpine .....	58,757
7	Amador .....	265,707
8	Butte .....	1,217,052
9	Calaveras .....	310,331
10	Colusa .....	397,468
11	Contra Costa .....	4,168,194
12	Del Norte .....	553,730
13	El Dorado .....	1,028,349
14	Fresno .....	3,695,633
15	Glenn .....	360,974
16	Humboldt .....	1,025,583
17	Imperial .....	1,144,661
18	Inyo .....	614,920
19	Kern .....	5,530,972
20	Kings .....	982,208
21	Lake .....	375,570
22	Lassen .....	430,163
23	Los Angeles .....	71,002,129
24	Madera .....	1,042,797
25	Marin .....	2,111,712
26	Mariposa .....	135,457
27	Mendocino .....	717,075
28	Merced .....	1,733,156
29	Modoc .....	104,729
30	Mono .....	415,136
31	Monterey .....	3,330,125
32	Napa .....	719,168
33	Nevada .....	1,220,686
34	Orange .....	19,572,810
35	Placer .....	1,243,754
36	Plumas .....	193,772
37	Riverside .....	7,681,744
38	Sacramento .....	5,937,204
39	San Benito .....	302,324



1	San Bernardino .....	8,511,193
2	San Diego .....	16,166,735
3	San Francisco .....	4,046,107
4	San Joaquin .....	3,562,835
5	San Luis Obispo .....	2,036,515
6	San Mateo .....	4,831,497
7	Santa Barbara .....	3,277,610
8	Santa Clara .....	11,597,583
9	Santa Cruz .....	1,902,096
10	Shasta .....	1,044,700
11	Sierra .....	42,533
12	Siskiyou .....	615,581
13	Solano .....	2,708,758
14	Sonoma .....	2,316,999
15	Stanislaus .....	1,855,169
16	Sutter .....	678,681
17	Tehama .....	640,303
18	Trinity .....	137,087
19	Tulare .....	1,840,422
20	Tuolumne .....	361,665
21	Ventura .....	4,575,349
22	Yolo .....	880,798
23	Yuba .....	289,325

24  
 25 (3) Except as otherwise specifically provided in this  
 26 section, county remittances specified in paragraphs (1)  
 27 and (2) shall not be increased in subsequent years.

28 (4) Except for those counties with a population of  
 29 70,000, or less, on January 1, 1996, the amount a county is  
 30 required to remit pursuant to paragraph (1) shall be  
 31 adjusted by the amount equal to any adjustment resulting  
 32 from the procedures in subdivisions (c) and (d) of  
 33 Section 77201 as that section read on June 30, 1998, to the  
 34 extent a county filed an appeal with the Controller with  
 35 respect to the findings made by the Department of  
 36 Finance. This paragraph shall not be construed to  
 37 establish a new appeal process beyond what was provided  
 38 by Section 77201, as that section read on June 30, 1998.

39 (5) Any change in statute or rule of court that either  
 40 reduces the bail schedule or redirects or reduces a

1 county's portion of fee, fine, and forfeiture revenue to an  
2 amount that is less than (A) the fees, fines, and forfeitures  
3 retained by that county, and (B) the county's portion of  
4 fines and forfeitures transmitted to the state in the  
5 1994–95 fiscal year, shall reduce that county's remittance  
6 specified in paragraph (2) of this subdivision by an equal  
7 amount. Nothing in this paragraph is intended to limit  
8 judicial sentencing discretion.

9 (c) Nothing in this section is intended to relieve a  
10 county of the responsibility to provide necessary and  
11 suitable court facilities pursuant to Section 68073.

12 (d) Nothing in this section is intended to relieve a  
13 county of the responsibility for justice-related expenses  
14 not included in Section 77003 which are otherwise  
15 required of the county by law, including, but not limited  
16 to, indigent defense representation and investigation,  
17 and payment of youth authority charges.

18 (e) County base year remittance requirements  
19 specified in paragraph (2) of subdivision (b) incorporate  
20 specific reductions to reflect those instances where the  
21 Department of Finance has determined that a county's  
22 remittance to both the General Fund and the Trial Court  
23 Trust Fund during the 1994–95 fiscal year exceeded the  
24 aggregate amount of state funding from the General  
25 Fund and the Trial Court Trust Fund. The amount of the  
26 reduction was determined by calculating the difference  
27 between the amount the county remitted to the General  
28 Fund and the Trial Court Trust Fund and the aggregate  
29 amount of state support from the General Fund and the  
30 Trial Court Trust Fund allocated to the county's trial  
31 courts. In making its determination of whether a county  
32 is entitled to a reduction pursuant to that paragraph, the  
33 Department of Finance subtracted from county revenues  
34 remitted to the state, all moneys derived from the fee  
35 required by Section 42007.1 of the Vehicle Code and the  
36 parking surcharge required by subdivision (c) of Section  
37 76000.

38 (f) Notwithstanding subdivision (e), the Department  
39 of Finance shall not reduce a county's base-year  
40 remittance requirement, as specified in paragraph (2) of

1 subdivision (b), if the county's trial court funding  
2 allocation was modified pursuant to the amendments to  
3 the allocation formula set forth in paragraph (4) of  
4 subdivision (d) of Section 77200, as amended by Chapter  
5 2 of the Statutes of 1993, to provide a stable level of  
6 funding for small county courts in response to reductions  
7 in the General Fund support for the trial courts.

8 (g) In any fiscal year in which a county of the first class  
9 pays the employer-paid retirement contribution for court  
10 employees, or any other employees of the county who  
11 provide a service to the court, and the amounts of those  
12 payments are charged to the budget of the courts, the  
13 sum the county is required to pay to the state pursuant to  
14 paragraph (1) of subdivision (b) shall be increased by the  
15 actual amount charged to the trial court up to  
16 twenty-three million five hundred twenty-seven  
17 thousand nine hundred forty-nine dollars (\$23,527,949) in  
18 that fiscal year. The county and the trial court shall report  
19 to the Controller and the Department of Finance the  
20 actual amount charged in that fiscal year.

21 (h) This section shall become operative on July 1, 1999.

22 ~~SEC. 6.~~

23 *SEC. 12.* Section 77212 of the Government Code is  
24 amended to read:

25 77212. (a) The State of California, the counties of  
26 California, and the trial courts of California, recognize  
27 that a unique and interdependent relationship has  
28 evolved between the courts and the counties over a  
29 sustained period of time. While it is the intent of this act  
30 to transfer all fiscal responsibility for the support of the  
31 trial courts from the counties to the State of California, it  
32 is imperative that the activities of the state, the counties,  
33 and the trial courts be maintained in a manner that  
34 ensures that services to the people of California not be  
35 disrupted. Therefore, to this end, during the 1997-98  
36 fiscal year, commencing on July 1, 1997, counties shall  
37 continue to provide and courts shall continue to use,  
38 county services provided to the trial courts on July 1, 1997,  
39 including, but not limited to: auditor/controller services,  
40 coordination of telephone services, data processing and



1 information technology services, procurement, human  
2 resources services, affirmative action services,  
3 treasurer/tax collector services, county counsel services,  
4 facilities management, and legal representation. These  
5 services shall be provided to the court at a rate that shall  
6 not exceed the costs of providing similar services to  
7 county departments or special districts. If the cost was not  
8 included in the county base pursuant to paragraph (1) of  
9 subdivision (b) of Section 77201 or was not otherwise  
10 charged to the court prior to July 1, 1997, and were court  
11 operation costs as defined in Section 77003 in fiscal year  
12 1994–95, the court may seek adjustment of the amount the  
13 county is required to submit to the state pursuant Section  
14 77201.

15 (b) In fiscal year 1998–99 commencing on July 1, 1998,  
16 and thereafter the county may give notice to the court  
17 that the county will no longer provide a specific service  
18 except that the county shall cooperate with the court to  
19 ensure that a vital service for the court shall be available  
20 from the county or other entities that provide such  
21 services. The notice must be given at least 90 days prior  
22 to the end of the fiscal year and shall be effective only  
23 upon the first day of the succeeding fiscal year.

24 (c) In fiscal year 1998–99, commencing on July 1, 1998,  
25 and thereafter, the court may give notice to the county  
26 that the court will no longer use a specific county service.  
27 The notice shall be given at least 90 days prior to the end  
28 of the fiscal year and shall be effective only upon the first  
29 day of the succeeding fiscal year. However, for three  
30 years from the effective date of this section, a court shall  
31 not terminate a service that involved the acquisition of  
32 equipment, including, but not limited to, computer and  
33 data processing systems, financed by a long-term  
34 financing plan whereby the county is dependent upon  
35 the court's continued financial support for a portion of the  
36 cost of the acquisition.

37 (d) (1) If a trial court desires to receive or continue to  
38 receive a specific service from a county or city and county  
39 as provided in subdivision (c), and the county or city and  
40 county desires to provide or continue to provide that

1 service as provided in subdivision (b), the presiding  
2 judge of that court and the county or city and county shall  
3 enter into a contract for that service. The contract shall  
4 identify the scope of service, method of service delivery,  
5 term of agreement, anticipated service outcomes, and  
6 the cost of the service. The court and the county or city  
7 and county shall cooperate in developing and  
8 implementing the contract.

9 (2) This subdivision applies to services to be provided  
10 in fiscal year 1999–2000 and thereafter.

11 ~~SEC. 7.~~

12 *SEC. 13.* Section 77654 of the Government Code is  
13 amended to read:

14 77654. (a) The task force shall be appointed on or  
15 before October 1, 1997.

16 (b) The task force shall meet and establish its  
17 operating procedures on or before September 1, 1998,  
18 and submit its plan for the entire review of court facilities  
19 by October 1, 1998, to the Judicial Council, Legislature,  
20 and Governor.

21 (c) The task force shall review all available court  
22 facility standards and make preliminary determinations  
23 of acceptable standards for construction, renovation, and  
24 remodeling of court facilities, and shall report those  
25 preliminary determinations to the Judicial Council, the  
26 Legislature, and the Governor in an interim report on or  
27 before July 1, 1999.

28 (d) The task force shall complete a survey of all trial  
29 and appellate court facilities in the state and report its  
30 findings to the Judicial Council, the Legislature, and the  
31 Governor in a second interim report on or before January  
32 1, 2001. The report shall document all of the following:

33 (1) The state of existing court facilities.

34 (2) The need for new or modified court facilities.

35 (3) The currently available funding options for  
36 constructing or renovating court facilities.

37 (4) The impact which creating additional judgeships  
38 has upon court facility and other justice system facility  
39 needs.

1 (5) The effects which trial court coordination and  
2 consolidation have upon court and justice system facilities  
3 needs.

4 (6) Administrative and operational changes which can  
5 reduce or mitigate the need for added court or justice  
6 system facilities.

7 (7) Recommendations for specific funding  
8 responsibilities among the entities of government  
9 including full state responsibility, full county  
10 responsibility, or shared responsibility.

11 (8) A proposed transition plan if responsibility is to be  
12 changed.

13 (9) Recommendations regarding funding sources for  
14 court facilities and funding mechanisms to support court  
15 facilities.

16 (e) The interim reports shall be circulated for  
17 comment to the counties, the judiciary, the Legislature,  
18 and the Governor. The task force may also circulate these  
19 reports to users of the court facilities.

20 (f) The task force shall submit a final report to the  
21 Judicial Council, the Legislature, and the Governor on or  
22 before July 1, 2001. The report shall include all elements  
23 of the interim reports incorporating any changes  
24 recommended by the task force in response to comments  
25 received.

26 (g) Notwithstanding any other provision of law,  
27 during the period from July 1, 1997, to June 30, 2001, the  
28 board of supervisors of each county shall be responsible  
29 for providing suitable and necessary facilities for judicial  
30 officers and court support staff for judicial positions  
31 created prior to July 1, 1996, to the extent required by  
32 Section 68073. The board of supervisors of each county  
33 shall also be responsible for providing suitable and  
34 necessary facilities for judicial officers and court support  
35 staff for judgeships authorized by statutes chaptered in  
36 1996 to the extent required by Section 68073, provided  
37 that the board of supervisors agrees that new facilities are  
38 either not required or that the county is willing to provide  
39 funding for court facilities. Unless a court and a county  
40 otherwise mutually agree, the state shall assume

1 responsibility for suitable and necessary facilities for  
2 judicial officers and support staff for any judgeships  
3 authorized during the period from January 1, 1998, to  
4 June 30, 2001. If, however, the state assumes full  
5 responsibility for court facilities after June 30, 2001, a  
6 county shall be reimbursed for costs incurred by the  
7 county general fund for new court facilities constructed  
8 or under construction between January 1, 2000, and the  
9 date of the state assumption of responsibility for court  
10 facilities. If the state assumes a shared responsibility for  
11 court facilities after June 30, 2001, a county shall be  
12 reimbursed for costs incurred by the county general fund  
13 for new court facilities constructed or under construction  
14 between January 1, 2000, and the date of the state  
15 assumption of shared responsibility for court facilities, in  
16 the same proportion as the state's responsibility for court  
17 facilities after June 30, 2001.

18 ~~SEC. 8.~~

19 *SEC. 14.* Section 1037 of the Penal Code is amended  
20 to read:

21 1037. (a) When a court orders a change of venue to  
22 a court in another county all costs incurred by that court  
23 or county, which are not payable pursuant to Section  
24 4750, for the transfer, preparation and trial of the action,  
25 the guarding, keeping and transportation of the prisoner,  
26 any appeal or other proceeding relating to the action and  
27 execution of the sentence shall be a charge against the  
28 court or the county in which the action originated. Costs  
29 that are included in the definition of court operations as  
30 defined in Section 77003 of the Government Code and  
31 Rule 810 of the California Rules of Court shall be  
32 considered court costs and are a charge against the court  
33 in the county in which the action originated. All other  
34 costs shall be considered county costs and are a charge  
35 against the county in which the action originated.

36 (b) Claims for the costs described in subdivision (a)  
37 shall be forwarded to the treasurer and auditor of the  
38 county in which the action originated. The treasurer shall  
39 pay the amount of county costs out of the general funds  
40 of the county. The presiding judge of the court, or his or



1 her designee, shall authorize, and the treasurer shall pay,  
2 the amount of court costs out of the Trial Court  
3 Operations Fund as directed by the court.

4 (c) The term “all costs” means all reasonable and  
5 necessary costs incurred by the county as a result of the  
6 change of venue which would not have been incurred but  
7 for the change, and does not include normal salaries,  
8 overhead, and other expenses which would have been  
9 incurred by the county in any event.

10 (d) The trial court may, in its sound discretion,  
11 approve any cost as reasonable and necessary under this  
12 section. Prior to the trial court’s issuing any order  
13 approving such a cost, the clerk shall give 10 days’ written  
14 notice of the court’s intention to issue an order to the  
15 auditor of the county in which the action originated. The  
16 auditor may appear for the limited purpose of opposing  
17 the issuance of the order. If he or she fails to appear, the  
18 county of origin may not in any other proceeding contest  
19 the imposition of these costs.

20 ~~SEC. 9.~~

21 *SEC. 15.* Section 100 of the Welfare and Institutions  
22 Code is amended to read:

23 100. The Judicial Council shall establish a planning  
24 and advisory group consisting of appropriate professional  
25 and program specialists to recommend on the  
26 development of program guidelines and funding  
27 procedures consistent with this chapter. At a minimum,  
28 the council shall adopt program guidelines consistent  
29 with the guidelines established by the National Court  
30 Appointed Special Advocate Association, and with  
31 California law; but the council may require additional or  
32 more stringent standards. State funding shall be  
33 contingent on a program adopting and adhering to the  
34 program guidelines adopted by the council.

35 The program guidelines adopted by the council shall be  
36 adopted and incorporated into local rules of court by each  
37 participating superior court as a prerequisite to funding  
38 pursuant to this chapter.

39 The council shall adopt program guidelines and criteria  
40 for funding which encourage multicounty CASA

1 programs where appropriate, and shall in no case provide  
2 for funding more than one program per county.

3 The council shall establish in a timely fashion a  
4 request-for-proposal process to establish, maintain, or  
5 expand local CASA programs and require local matching  
6 funds or in-kind funds equal to the proposal request. The  
7 maximum state grant per county program per year shall  
8 not exceed thirty-five thousand dollars (\$35,000) in  
9 counties in which the population is less than 700,000 and  
10 shall not exceed fifty thousand dollars (\$50,000) in  
11 counties in which the population is 700,000 or more,  
12 according to the annual population report provided by  
13 the Department of Finance.

14 ~~SEC. 10.~~

15 *SEC. 16. Section 326 of the Welfare and Institutions*  
16 *Code is amended to read:*

17 326. (a) For the purposes of Child Abuse Prevention  
18 and Treatment Act grants to states (Public Law 93-247),  
19 in all cases in which there is filed a petition based upon  
20 alleged neglect or abuse of the minor, or in which a  
21 prosecution is initiated under the Penal Code arising  
22 from neglect or abuse of the minor, the probation officer  
23 or a social worker who files a petition under this chapter  
24 shall be the guardian ad litem to represent the interests  
25 of the minor in proceedings under this chapter, unless the  
26 court shall appoint another adult as guardian ad litem.  
27 However, the guardian ad litem shall not be the attorney  
28 responsible for presenting evidence alleging child abuse  
29 or neglect in judicial proceedings. No bond shall be  
30 required from any guardian ad litem acting under this  
31 section.

32 (b) *This section shall become inoperative on July 1,*  
33 *2000, and as of January 1, 2001, shall be repealed.*

34 *SEC. 17. Section 326.5 is added to the Welfare and*  
35 *Institutions Code, to read:*

36 326.5. *The Judicial Council shall adopt a rule of court,*  
37 *effective July 1, 2000, in compliance with the Child Abuse*  
38 *Prevention and Treatment Act (Public Law 93-247) that*  
39 *requires the appointment of a guardian ad litem, who*  
40 *may be an attorney or a court appointed special advocate,*

1 *for minors in cases in which there is filed a petition based*  
2 *upon neglect or abuse of the minor or in which a*  
3 *prosecution is initiated under the Penal Code arising*  
4 *from neglect or abuse of a minor. The rule may include*  
5 *guidelines to the courts for determining when an*  
6 *attorney should be appointed instead of a court appointed*  
7 *special advocate and caseload standards for attorneys and*  
8 *court appointed special advocates.*

9 *SEC. 18. The Legislature hereby declares that Section*  
10 *811.9 of the Government Code, as added by this act, shall*  
11 *not be interpreted as applicable to, nor indicative of*  
12 *legislative preference of, an employment status for trial*  
13 *court employees. The Legislature recognizes that*  
14 *pursuant to Chapter 850 of the Statutes of 1997, the Task*  
15 *Force on Trial Court Employees will make*  
16 *recommendations to the Legislature regarding the status*  
17 *of trial court employees and any such determinations may*  
18 *be enacted in subsequent legislation.*

19 *SEC. 19. Notwithstanding Section 17610 of the*  
20 *Government Code, if the Commission on State Mandates*  
21 *determines that this act contains costs mandated by the*  
22 *state, reimbursement to local agencies and school*  
23 *districts for those costs shall be made pursuant to Part 7*  
24 *(commencing with Section 17500) of Division 4 of Title*  
25 *2 of the Government Code. If the statewide cost of the*  
26 *claim for reimbursement does not exceed one million*  
27 *dollars (\$1,000,000), reimbursement shall be made from*  
28 *the State Mandates Claims Fund.*

